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Date _____
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Amendment No. 1 to HJR1037

**Jones U (Shel)
Signature of Sponsor**

AMEND Senate Bill No.*

House Bill No. HJR 1037

By deleting all language in the resolution after the caption, and by substituting instead the following language:

WHEREAS, federal law provides guidelines to define the relationship between users and owners of investor-owned utility poles; and

WHEREAS, the State of Tennessee, with one exception, currently has no investor-owned utilities; and

WHEREAS, the State of Tennessee currently has no laws affecting the best practices and conditions for the use of the poles owned by municipal electric systems and rural electric cooperatives; and

WHEREAS, The Tennessee General Assembly finds and declares that the citizens and businesses of Tennessee, through their electric rates, have paid and continue to pay for the capital costs and operating expenses associated with owning and maintaining the poles owned by municipal electric systems and rural electric cooperatives; and

WHEREAS, the Tennessee General Assembly finds and declares that operational practices of users of poles owned by municipal electric systems and rural electric cooperatives can, in some cases, increase costs of pole ownership and create public safety concerns; and

WHEREAS, the Tennessee General Assembly finds and declares that all users of poles owned by municipal electric systems and rural electric cooperatives are entitled to fair access to such poles, but must also assume a corresponding obligation to pay fair rates and observe fair operational practices; now, therefore,

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House Bill No. HJR 1037

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED SECOND GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That there is hereby created a special joint committee to perform a comprehensive analysis of municipal electric systems and rural electric cooperative pole attachment practices.

BE IT FURTHER RESOLVED, That the special joint committee shall study the best practices by municipal electric systems and rural electric cooperative pole owners to promote fair and equal treatment for all pole users and for municipal electric systems and rural electric cooperatives and the Tennessee citizens and businesses that those electric systems serve.

BE IT FURTHER RESOLVED, That the special joint committee shall consist of three (3) members of the House State and Local Government Committee and three (3) members of the Senate State and Local Government Committee, to be appointed by the respective speakers. The speakers shall seek to appoint members who have demonstrated interest in the issue and who will serve actively and are fairly representative of the areas of the state served by municipal electric and rural electric cooperative systems.

BE IT FURTHER RESOLVED, That all appropriate state agencies shall provide assistance to the special joint committee upon request of the chair.

BE IT FURTHER RESOLVED, That the representatives of municipal electric systems and rural electric cooperative pole users and owners be asked to provide information, analyses, and recommendations to the special joint committee.

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BE IT FURTHER RESOLVED, That in conducting research, making evaluations, and formulating its recommendations, the special joint committee shall include the following:

- (1) The impact that pole practices have on Tennessee consumers of telecommunications services;
- (2) The impact that pole practices have on Tennessee consumers of electric services;
- (3) The impact of the operational practices of pole users;
- (4) Current pole attachment contract provisions and the contracting practices of municipal electric systems and rural electric cooperatives;
- (5) Current pole attachment rates and practices in relation to the actual cost of pole maintenance and use; and
- (6) Current pole attachment rates and practices in relation to the pole users' avoided costs of pole ownership, maintenance and use.

BE IT FURTHER RESOLVED, That the special joint committee shall perform a comprehensive analysis of municipal electric systems and rural electric cooperative pole attachment practices and recommend appropriate changes, if any are necessary, to provide fair and equitable treatment for all pole users and for municipal electric systems and rural electric cooperatives and the Tennessee citizens and businesses that those electric systems serve.

BE IT FURTHER RESOLVED, That the special joint committee shall hold hearings in the Fall of 2002.

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BE IT FURTHER RESOLVED, That all legislative members of the special joint committee who are duly elected members of the General Assembly shall remain members of such committee until the committee reports its findings and recommendations to the General Assembly.

BE IT FURTHER RESOLVED, That the special joint committee shall be convened by the member with the most years of continuous service in the General Assembly, and at its first meeting of the year shall elect a chair, vice-chair, and such other officers the committee deems necessary.

BE IT FURTHER RESOLVED, That the special joint committee shall timely report its findings and recommendations to the One Hundred Third General Assembly no later than February 28, 2003, at which time the committee shall cease to exist.